



NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

April 20, 2020

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Mr. Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Restoring Internet Freedom (Comments)

Dear Chairman Pai:

The National Organization of Black Law Enforcement Executives (NOBLE) submits this document in response to the FCC's request for information concerning the impact its Restoring Internet Freedom (RIF) Order has on public safety. As "the conscience of law enforcement," NOBLE has a unique perspective about the importance of broadband communications for law enforcement personnel.

I. Why broadband is vital to public safety

America's information networks, especially wireless networks, are crucial for public safety. Every day, regardless of whether there is an emergency, NOBLE's members rely on these broadband networks for instant two-way voice and data sharing to help with deployment and coordination. This information sharing is also necessary for community outreach; for enlisting public help, especially on time-sensitive issues (e.g., to reach potential crime witnesses or those with valuable information); and for rebuilding the unfortunate lack of trust that many communities of color have towards law enforcement. Additionally, law enforcement is leveraging modern communication networks to maintain, for example, wireless sensors in violent neighborhoods for instant pinpointing of gunfire locations or for cameras feeds that can provide crucial real-time monitoring.

In the context of the FCC's request for information concerning networks and public safety, it is important that the Commission be aware of major ongoing changes within law enforcement and the need for robust, high-capacity broadband networks to support those changes. Increasingly, law enforcement departments are adopting a "community focus" philosophy for their policing. Key components include a greater emphasis on law enforcement officers showing support for their community, including more interaction with people who live or work in neighborhoods they patrol. Officers are trained to communicate with these people, solve community problems in a timely way and develop an appreciation of cultural and ethnic differences. To assist with this, NOBLE has developed an interactive training program ("The Law and Your Community") with help from the U.S. Department of Justice to improve two-way communication and bolster trust between law enforcement and residents.

It cannot be stressed enough that robust and high-capacity broadband networks are crucial to this effort's continued success. Moreover, these networks must operate everywhere. In urban

areas, information networks, especially mobile networks, must have sufficient capacity to handle sudden massive data spikes, which is common during emergencies. In small towns and rural areas, these networks need to be built in the first place. In isolated areas, lack of Internet access can be a threat not only to the public but to law enforcement officers as they may need to put themselves in harm's way, for example, to notify isolated residents about oncoming natural disasters. Moreover, NOBLE believes that in all areas, networks should be protected to the extent possible against threats from natural disasters. An information network does no good unless it is operational.

These are only a few of the many examples of how every day, law enforcement relies on information networks to maintain public safety. What the Commission must appreciate as it considers information networks and public safety is that regardless of a community's geographic location, its ethnic or cultural composition, or its past experience with law enforcement, effective public safety must allow for people and law enforcement to have real-time, two-way communication, especially during sudden emergencies.

II. Broadband, public safety and the *Mozilla* decision

In its 2019 *Mozilla* decision, the U.S. Court of Appeals for the District of Columbia stated that Congress created the FCC “for the purpose of, among other things, ‘promoting safety of life and property through the use of wire and radio communications.’ 47 U.S.C. § 151.” (page 93) The Court found fault with the Commission’s fact-gathering process which, the Court stated, showed a lack of attention to “analyz[ing] the impact of the 2018 [RIF] Order on public safety... [which] warrants a remand with direction to address the issues raised.” (page 100)

NOBLE believes that the Commission’s RIF Order will have beneficial overall impacts to public safety for two reasons. The first reason can be found, ironically, in the same Court of Appeals decision. As noted, NOBLE believes that greater public access to broadband communication is crucial for improving and maintaining public safety. As the Court of Appeals decision stated:

“We find that the agency’s position as to the economic benefits of reclassification away from ‘public-utility style regulation,’ id. ¶ 90, which the Commission sees as ‘particularly inapt for a dynamic industry built on technological development and disruption,’ id. ¶ 100, is supported by substantial evidence....”

The first step toward faster, more accessible broadband networks involves, of course, building them in the first place. If a community needs better broadband and there is not enough money to build out its Internet access (either wireline or wireless), people in that community and its law enforcement officials both lose a way to improve public safety. As a law enforcement agency, NOBLE members have firsthand experience with this dynamic. Therefore, we urge the Commission to appreciate that federal policies encouraging broadband deployment also help promote greater public access, communication with law enforcement and, from that, better public safety.

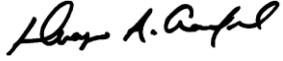
Second, we urge the Commission to appreciate the benefits that new broadband technologies will have for law enforcement. The most obvious of these involves 5G mobile broadband and a Commission policy encouraging faster 5G deployment benefits law enforcement officials by giving officers better tools to protect the public. For example, if armed, dangerous persons have barricaded themselves inside a home, a SWAT team mission into the house can be exceptionally dangerous. This is true even if all persons are incapacitated due to booby traps and other potentially lethal situations. Faster, more accessible broadband such as 5G will allow law enforcement to deploy new types of unmanned robotic vehicles that send and receive high-definition video and other data instantly and with a minimum of latency. This can give law enforcement better “eyes and ears” in dangerous situations without additional personal risk to officers.

Immediate real-time broadband will also enable new types of drones that help law enforcement search for missing persons or track escaped or fleeing criminals. On the afternoon of October 15, 2019, a young boy in Sherburne County, Minnesota went missing. Hundreds of searchers volunteered that night to find him but it was a drone operator using a drone with a thermal-imaging camera who found the boy at approximately 2:00 am in a cornfield that had already been searched by the volunteers.

With powerful cameras and thermal imaging, these drones can be a tremendous benefit for public safety but their new data-intensive capabilities demand faster broadband networks. This is why the Commission is right to focus its attention on policies, such as its 2018 RIF Order, that encourage faster broadband deployment.

In conclusion, NOBLE believes that expanding broadband access is crucial for improving public safety and law enforcement effectiveness. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwayne A. Crawford". The signature is fluid and cursive, with the first name "Dwayne" being more prominent.

Dwayne A. Crawford
Executive Director